

IN THE DRAWINGS

Enclosed herewith are REPLACEMENT SHEETS in which the added descriptive material, formerly appearing handwritten and uneven, are now presented in typewritten form.

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

Applicants believe that the above changes answer the Examiner's 35 U.S.C. 112, paragraph 2, rejection of claims 3, 8 and 13, and respectfully request withdrawal thereof.

The Examiner has rejected claims 1, 3-6, 8-10, 21 and 22 under 35 U.S.C. 101, as being directed to non-statutory subject matter. In particular, the Examiner has indicated that in independent claim 1, the "system" (which previously solely comprised the sort controller) may be implemented as software. "If elements would have been reasonably interpreted in light of the disclosure by one of ordinary skill as software alone, the claim is directed to software per se and is nonstatutory." With regard to claim 6, the Examiner states "the claim omits an operational function and merely recites an arrangement of structures. The claim is directed to descriptive material per se which is nonstatutory."

Claim 1 has been amended such that the "system" is not directed solely to the "sort controller", and as such is now statutory, along with dependent claims 3-5 and 21.

Claim 6 has been amended such that that it does not merely recite an arrangement of structures, but rather, each element performs a function pertinent to the invention as claimed. Therefore, Applicants believe that claim 6, along with dependent claims 8-10 and 22 are statutory.

The Examiner has rejected claims 1, 3-6, 8-11, 13-15, and 21-23 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,601,067 to Hiyoshi, in view of U.S. Patent 6,199,064 to Schindler. The Examiner has further rejected claims 1, 6 and 11 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0159147 A1, in view of U.S. Patent 5,924,091 to Burkhard.

The Hiyoshi patent discloses an apparatus for sorting and merging data records, in which input files are sorted as to group profile specifications (in group profile identification unit 11 & file system setting unit 12) and then to a record extraction criterion (in group profile identification unit 11 & extraction criteria setting unit 13). It should be noted that Hiyoshi specifically states, at col. 4, lines 24-27, "By definition, each file group shares the same record extraction criterion, the same record reformatting rule, and the same source file system, the group profile specifications provide those pieces of information."

The Schindler patent discloses a method and apparatus for sorting data blocks. As noted by the Examiner "Schindler provides for the concept of information items being sorted by the value of their context through bucketsort function and gives an example see column 7 lines 45-65 and Figure 9 step 425 SORT DATA BY CONTEXT. Note, the value of the context is seen as the content."

Applicants believe that there is some confusion as to the meaning of the terms. In particular, the term "content" refers to the programming which is to be viewed by a user, while "information

items" are related to the content and describe various features of the content. The sort controller derives "a primary sort key and a secondary sort key from predetermined user sorting preferences for a current user task context and a content type for the information items" and sorts the information items based on the primary and secondary sort keys. At no time is the sort controller working with the content.

Applicants therefore submit that Schindler neither discloses nor suggests "said sort controller comprising means for deriving a primary sort key and a secondary sort key from predetermined user sorting preferences for a current user task context and a content type for the information items, and means for sorting the information items using said primary sort key and said secondary sort key in order to produce a list of results".

The Young et al. publication discloses a television schedule system which is able to sort and present information items related to content.

The Burkhard patent discloses a database system with improved methods for radix sorting, in which the concept of primary and secondary sort keys is discussed. However, there is no disclosure or suggestion in Burkhard of a sort controller being able to derive the primary and secondary sort keys. Rather, in Burkhard, the primary and secondary sort keys are selected (arguably by the user).

The Examiner indicates that Young et al. discloses "to produce the list of the results, the sort controller sorts the

information items using a primary sort key and a secondary sort key derived from predetermined user sorting preferences doe a current user task context and content type for the information items [note: paragraph 118 "allow logical sorting of the schedule"; paragraph 0108 "listings sorted first by major themes, second by topic(s) within a theme"]."

Applicants submit that the Examiner is mistaken. In particular, while Young et al. discloses that the information items may be sorted by, for example, major themes, and second by topics within a theme, the selection of the major theme and the second topics is performed by the user. There is no disclosure or suggestion of a sort controller comprising "means for deriving a primary sort key and a secondary sort key from predetermined user sorting preferences for a current user task context and a content type for the information items, and means for sorting the information items using said primary sort key and said secondary sort key in order to produce a list of results".

In view of the above, Applicants believe that the subject invention, as claimed, is not rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1, 3-6, 8-11, 13-15 and 21-23, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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